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Amendment
Attorney Docket No. H01.2I-8601-US01

Remarks

This Amendment is in response to the Office Action dated **December 17, 2003**.

The Office Action indicates that claim 10 is allowable if placed in independent form; that claims 4-6 must be canceled or other appropriate action taken for a complete reply; that claims 12-13 were objected to because of informalities; that claim 15 was rejected under §112; and that claims 1-3, 7-9, and 11-20 were rejected under §103 as being unpatentable over Reichert (US 4,055,943) in view of Meyers (US 4,177,715). Claims 4-6 have been canceled without prejudice or disclaimer. Claims 12 and 13 have been amended to correct the cited informalities. The subject matter of claims 15-17 have been added to amended claim 1, and claims 15-17 have been canceled without prejudice or disclaimer. Claim 1 has also been amended to improve readability. The claim 15 rejection is now moot though the language of the claim 15 limitation now in amended claim 1 has been changed to address the original rejection. No new matter has been added.

Applicant respectfully traverses the §103 rejection based on Reichert (US 4,055,943) in view of Meyers (US 4,177,715). Neither Reichert nor Meyers suggest or disclose transport boxes having multipiece packaging having bases, end-face side walls, transverse webs, and at least one longitudinal web wherein the multipiece packaging is releasably fastened on the inside thereof. At most Reichert discloses a transport box 108 with collar 95 being loosely arranged therein. The collar must be inserted together with the bottles into the transport box and functions as a divider for keeping the bottles apart from each other. The collar is not a multipiece packaging provided with a bottom and sidewalls suitable for carrying the bottles after detachment of the multi-piece packaging from the transport box. Furthermore, Reichert does not give any suggestion to use flat-lying transport boxes having releasably fastened flat-lying multi-

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piece packagings on the inside before the transport boxes and multi-piece packaging are opened and containers are inserted in to the transport boxes and the multi-piece packagings.

These missing limitations are not suggested or disclosed in Meyers. Meyers merely discloses a tray having partition sections 61, 62, and 63 permanently fixed to the inside thereof. The partition sections are not detachable on the tray and are not suitable for carrying the containers independently from the tray. Meyers does not suggest to one skilled in the art releasably fastened multi-piece packagings which also can be used for carrying containers independently on the inside of flat-lying transport boxes.

For at least the reasons given above Applicant believes that an obviousness rejection of amended claim 1 is inappropriate. Applicant believes amended claim 1 is in condition for allowance and that those claims drawing dependence from claim 1 are allowable for at least the reason that they claim dependence upon an allowable base claim. Applicant respectfully requests that the rejection of claims 1-3 and 7-20 be withdrawn.

Regarding claim 20, neither Reichert nor Meyers teach or suggest the claim limitation of "releasably fastening flat-lying multi-piece packagings (1) to flat-lying transport boxes (60)". Reichert does not teach or suggest even the concept of fastening multi-piece packagings to transport boxes. As stated above the collar is merely used to separate the bottles from one another and is merely placed within the outer case. It is not fastened to the case and certainly is not releasably fastened to the case.

Again, Meyers does not provided the missing limitation. Meyers teaches permanently fastening single-piece inserts into a carton. It does not teach releasably fastening multi-piece packagings to flat lying transport boxes. Thus, this limitation remains undisclosed and unsuggested when combining Reichert with Meyers.

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For at least this reason claim 20 overcomes the obviousness rejection of Reichert in light of Meyers. Applicant respectfully requests that the obviousness rejection of claim 20 be withdrawn.

In the Office Action, claim 10 was found to contain allowable subject matter and would be allowable if rewritten in independent form with the limitations of claim 1. Applicant has added new claim 21, which combines the limitations of claims 1 and 10. Applicant believes this claim is in condition for allowance.

No excess claim fee is believed to be required for this claim. However, if this is not correct, please charge any excess claim fee to deposit account no. 22-0350.

In view of the foregoing it is believed that the present application, with pending claims 1-3, 7-14, and 18-21, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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